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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/876,536	06/07/2001	Daniel S. McIntyre	D-1142	7578

28995 7590 02/14/2003

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EXAMINER

LABAZE, EDWYN

ART UNIT PAPER NUMBER

2876

DATE MAILED: 02/14/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/876,536

Applicant(s)

MCINTYRE ET AL.

Examiner

EDWYN LABAZE

Art Unit

2876

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 12 November 2002.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-43 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-43 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_
- ☐ Interview Summary (PTO-413) Paper No(s) \_\_\_\_\_
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: \_\_\_\_\_

**DETAILED ACTION**

1. Receipt is acknowledged of amendments filed on 11/12/2002.
2. Claims 1-43 are presented for examination.

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1, 3-4, 6-8, 10-19, 23-24, 26-39, and 42 is rejected under 35 U.S.C. 103(a) as being unpatentable over Gromley et al. (U.S. 6,146,057) in view of Fukatsu (U.S. 4,540,106) and Gregoire et al. (U.S. 6,328,207).

Re claims 1, 27-28, and 39: Gromley et al. discloses a pneumatic tube transfer (col.10, line 34), which includes an enclosure/housing 34 (col.5, lines 31).

Gromley et al. fails to teach a movable cover in connection with the enclosure.

Fukatsu teaches a bag processing unit of an automatic teller machine, which includes a movable cover 15 in supporting connection with the enclosure (col.2, lines 59-67), wherein the drive or mechanism (col.3, lines 5-6).

In view of the teaching of Fukatsu, it would have been obvious to an artisan of ordinary skill in the art at the time the invention was made to utilize a movable cover into the system of Gromley et al. so as to provide access to the terminal by the consumers when conducting business transactions with the service provider. Furthermore, such adjustment would provide some security features or protective shelf for the internal devices (i.e. the terminal or card reader, camera or viewing system, speakers and so on)

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within the enclosure or housing. Moreover, such modification would have been an obvious extension as taught by Fukatsu, thus an expedient.

Gromley et al. as modified above in claim 1 fails to disclose a remote control device in operative with the cover.

Gregoire et al. teaches a method and system for automated cashing of checks, which includes a remote control device or a switch system 42 (col.3, lines 37-47).

In view of the teaching of Gregoire et al., it would have been obvious to an artisan of ordinary skill in the art at the time the invention was made to integrate a switch system into the teaching of Gromley et al. as modified by Fukatsu into order to control the open/close activations of the movable cover. Furthermore, such alteration would provide more security to the automated machine of Fukatsu and permit the control station or service provider to facilitate access to the machine only certified or authorized users or patrons of the institution. Moreover, such modification would have been an obvious extension as taught by Gromley et al. as modified by Fukatsu, thus an expedient.

Re claim 3: Gromley et al. discloses a system, wherein the enclosure/housing includes a projecting portion (col.9, lines 1-16) wherein the projection extends vertically overlying relation of the terminal.

Re claim 4: Gromley et al. teaches a system wherein the closed cover position is in generally abutting engagement with the projection portion (col.12, lines 61-67 and col.13, lines 1-19).

Re claim 6: Gromley et al. discloses a system, which includes a shelf/drawer 20 (col.4, line 57) portion in supporting connection with the enclosure/housing, wherein the shelf portion underlies the terminal.

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Re claim 7: Gromley et al. teaches a system wherein the shelf/compartment portion is adapted to prevent items from falling into the enclosure in the open position of the cover (col.16, lines 40 –50).

Re claim 8: Gromley et al. discloses a system wherein the open position of the cover, the shelf portion is position to generally prevent passage of items between the shelf portion and the cover (col.16, lines 15-39).

Re claims10 and 35: Gromley et al. discloses that the pneumatic transfer system includes a drive-through lane, and wherein the enclosure is positioned so the terminal is accessible from the drive through lane in the open position of the cover (col.4, lines 39-50).

Re claim11: Gromley et al. teaches a system and further includes a building wherein the building has an interior area adjacent to the drive-through lane, and wherein the remote control device or buttons/switches (col.5, lines 47-56) is in the interior area, wherein the input of the remote control device is enabled to be provided by a service provider in the interior area.

Re claim12: Gromley et al. discloses a system wherein the service provider station includes remote control device/buttons/switches, the drive-through lane/window18 (col.5, lines 48-50) has a customer station, wherein the customer station includes the terminal 14 (col.4, line 67).

Re claims13 and 36: Gromley et al. teaches a system wherein an item transport extends between the service provider station and the customer station, wherein the item transport is operative to move a transaction item between the customer station and the service provider (col.6, lines 12-30).

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Re claims 14 and 37: Gromley et al. discloses a system wherein the item transport includes a deal drawer 20 (col. 4, lines 54-59).

Re claims 15 and 38: Gromley et al. teaches a system wherein the item transport includes a pneumatic tube conveyor (col. 16, lines 51-60).

Re claim 16: Gromley et al. discloses a system wherein the interior area includes a pharmacy and wherein medical items are moved in the item transport (col. 4, lines 35-41).

Re claims 17: Gromley et al. discloses that the pneumatic transfer apparatus includes a viewing device operative to put the customer station and the service station in visual connection (col. 6, lines 1-11).

Re claim 18: Gromley et al. teaches a system wherein the viewing device also includes a window 18 (col. 4, lines 47-50).

Re claims 19 and 29: Gromley et al. discloses a system wherein the viewing device includes a camera or visual communication devices (col. 7, lines 57-61). It is obvious to an artisan of ordinary skill in the art that visual communication devices include cameras. Therefore, it would have been obvious to incorporate a camera into the teaching of Groomed et al. at the time of the invention.

Re claim 23: Gromley et al. discloses a system wherein the enclosure includes a movable carrier 32 (col. 5, lines 27-31).

Re claims 24 and 42: Gromley et al. teaches a system wherein the movable carrier includes a carrier movable within a pneumatic tube (col. 2, lines 57-59 and col. 16, lines 51-57).

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Re claim 26: Gromley et al. discloses a system wherein the movable carrier includes a releasable mounting device holding the terminal (col.3, lines 22-37 and col.10, lines 48-63).

Re claim 30: Gromley et al. teaches a system, which includes methods of making a payment by the customer responsive to at least on input to the terminal (col.6, lines 15-23).

Re claim 31: Gromley et al. in view of Bustos discloses a system, which includes step of reading a card through operation of the terminal (col.5, lines 13-26).

Re claim 32: Gromley et al. teaches a system, which includes methods of providing an item to the customer at the customer station through an item transport (col.6, lines 15-23).

Re claim 33: Gromley et al. discloses a method wherein the payment is made in exchange for item provided by the service provider (col.6, lines 18-23).

Re claim 34: Gromley et al. discloses a method wherein the item provided includes a medical item (col.6, line 23).

5. Claims 2, 5, 9, 21-22, 25, 40-41, and 43 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gromley et al. as modified by Fukatsu and Gregoire et al. above in claim 1, and further in view of Albert et al. (U.S. 5,991,410).

The teachings of Gromley et al. as modified by Fukatsu and Gregoire et al. above in claim 1 fails to disclose a mount in connection with the enclosure, wherein the terminal is removably attached to the mount and the terminal has one front surface and two opposed sides surfaces, and wireless communications.

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Albert et al. discloses a wireless adaptor and wireless financial transaction system, which includes a portable terminal 100 (col.5, lines 37-67), a display 106 (col.5, line 42), and wherein the terminal/card reader 100 can be used for credit and/or debit card (col.5, lines 13-54).

In view of the teaching of Albert et al., it would have been obvious to an artisan of ordinary skill in the art at the time the invention was made to utilize a smaller or compact size terminal into the teaching of Gromley et al. as modified by Fukatsu and Gregoire et al. above in claim 1 so as to position the terminal under the movable cover and to facilitate easier comfort to the user while conducting business transactions. Furthermore, the removable terminal from the supporting mount would reduce the stress factor and making it easier for costumer business dealings and such modification would also provide security against unauthorized users and all applicable type of protection needed (i.e. rain, extensive light exposure) for the terminal/reader when the cover is in the closed position. Moreover, such modification would have been an obvious extension as taught by Gromley et al. as modified by Fukatsu and Gregoire et al. above in claim 2.

6. Claim 20 is rejected under 35 U.S.C. 103(a) as being unpatentable over Gromley et al. as modified by Fukatsu and Gregoire et al. and Albert et al. above in claim 2, and further in view of Bustos (U.S. 5,816,443).

The teachings of Gromley et al. as modified by Fukatsu and Gregoire et al. and Albert et al. above in claim 2 fails to disclose that the terminal is in operative with the cash register.



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Bustos teaches a product vending system with pneumatic product delivery, which includes a card reader 18 (col.7, line 34) and in operation with a cash register inside the building (col.8, lines 9-27).

In view of the teaching of Bustos, it would have been obvious to an artisan of ordinary skill in the art at the time the invention was made to integrate a cash register into the teachings of Gromley et al. as modified by Fukatsu and Gregoire et al. and Albert et al. above in claim 2 in order to process completion of each transaction. Furthermore, the use of the cash register in operation with the terminal/card reader is essential in business transaction for bookkeeping, and daily financial inventories for the institution or service providers. Moreover, such modification would have been an obvious extension as taught by Gromley et al. as modified by Fukatsu and Gregoire et al. and Albert et al. above in claim 2.

### ***Response to Amendment***

Applicant's arguments filed 11/12/2002 on with respect to claims 1-43 have been considered but are moot in view of new ground(s) of rejection.

### ***Conclusion***

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Zwahlen et al. (U.S. 5,975,273) teaches a process and apparatus for secured loading and dispensing of bills.

Clark et al. (U.S. 3,949,364) discloses an automatic remote banking system and equipment.

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Vogel et al. (U.S. 4,465,410) teaches a pneumatically propelled carrier system.

Postrel et al. (U.S. 6,003,008) discloses a point of sale device.

Grosswiller et al. (U.S. 5,299,891) teaches a pneumatic tube system.

Lucero (Re. 34,872) discloses a drive-through credit card payment device.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to EDWYN LABAZE whose telephone number is (703) 305-5437. The examiner can normally be reached on 7:30 AM - 4:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael G. Lee can be reached on (703) 305-3503. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 308-7722 for regular communications and (703) 308-7722 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1782.

el  
Edwyn Labaze  
Patent Examiner  
Art Unit 2876  
February 10, 2003



KARL D. FRECH  
PRIMARY EXAMINER